

1 PHILLIP A. TALBERT
2 United States Attorney
3 SHELLEY D. WEGER
4 Assistant United States Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700
8 Facsimile: (916) 554-2900
9
10 Attorneys for Plaintiff
11 United States of America
12
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 CYNTHIA SEELEY,

18 Defendant.

19 CASE NO. 2:20-CR 00202 WBS
20
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT
23 AND SETTING TRIAL DATE AND
24 CORRESPONDING DEADLINES; FINDINGS
AND ORDER

16 STIPULATION

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
18 through defendant's counsel of record, hereby stipulate as follows:

19 1. By previous order, this matter was set for status on January 9, 2023.
20 2. By this stipulation, defendant now moves to vacate the previously scheduled January 9,
21 2023, status hearing, and to set a four-day jury trial to start on June 27, 2023, at 9:00 a.m., a trial
22 confirmation hearing on May 30, 2023, and a pretrial motion schedule wherein the defendant must file
23 any motions under Federal Rule of Criminal Procedure by February 27, 2023, with the government's
24 response due on March 13, 2023.

25 3. The defendant also seeks to exclude time between January 9, 2023, and June 27, 2023,
26 under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

27 4. The parties agree and stipulate, and request that the Court find the following:

28 a) Counsel for defendant requires additional time to prepare for trial, including

1 meeting with his client who is currently residing homeless in southern California and who does
2 not generally have the means to travel to Sacramento (although she will arrange travel to
3 Sacramento for trial) to further review the evidence; discuss pretrial motions, draft any, and file
4 them by February 27, 2023; conduct further defense investigation and further work with the
5 defense expert; meet with and prepare any witnesses to testify; and discuss and draft any motions
6 in limine. This additional time is further required in light of defense counsel's commitments in
7 other criminal cases, which include obligations to various clients and representation in the
8 following trials: (1) *United States v. Howard Simon*, case no. 2:17-cr-151 (EDCA), scheduled for
9 trial on February 7, 2023; (2) *United States v. Jorge Riley*, case no. 1:21-cr-69 (D.D.C.),
10 scheduled for trial on April 24, 2023 (which may resolve pretrial, but either way will require
11 defense counsel to travel to Washington D.C.); and (3) *United States v. Timothy Wilson*, case no.
12 2:19-CR-0159 DAD (EDCA), scheduled for a four-to-five day trial on May 22, 2023.

13 b) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny him/her the reasonable time necessary for effective preparation, taking
15 into account the exercise of due diligence.

16 c) The government does not object to the continuance.

17 d) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of January 9, 2023 to June 27, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
23 because it results from a continuance granted by the Court at defendant's request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 ///

27 ///

28 ///

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 4, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ SHELLEY D. WEGER

SHELLEY D. WEGER
Assistant United States Attorney

Dated: January 4, 2023

/s/ TIMOTHY ZINDEL

**TIMOTHY ZINDEL
Counsel for Defendant
CYNTHIA SEELEY**

FINDINGS AND ORDER

2 The Court has read and considered the parties' Stipulation. The Court hereby finds that the
3 Stipulation, which the Court incorporates by reference into this Order, demonstrates facts that provide a
4 basis to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
5 Code T4]. In light of the defendant's request to set a trial date, the Court vacates the status hearing set
6 for January 9, 2023, at 9:00 a.m., and sets a four-day jury trial to start on June 27, 2023, at 9:00 a.m., a
7 trial confirmation hearing on May 30, 2023, at 9:00 a.m., and a pretrial motion schedule wherein the
8 defendant must file any motions under Federal Rule of Criminal Procedure 12 by February 27, 2023. If
9 the defendant files any pretrial motion by February 27, 2023, the government will have until March 13,
10 2023, to file its opposition. The Court will set a date to hear argument on the motion, if necessary.

Time is excluded under the Speedy Trial Act between January 9, 2023, and June 27, 2023.

IT IS SO FOUND AND ORDERED

Dated: January 4, 2023

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE